

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

Attorney's Docket No.
288748.0003

U.S. Application No.
Not Yet Known **09/831553**

International Application No.
PCT/GB99/03666

International Filing Date
05 November 1999 (05.11.99)

Priority Date Claimed
13 November 1998 (13.11.98)

Title of Invention:

PROCESS FOR PREPARING ORAL CALCIUM COMPOSITIONS

Applicant(s) For DO/EO/US:

Jan Yngvar PIENE and Dina Dogger SCHMIDT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a) ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ☐ has been transmitted by the International Bureau.
 - c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report. (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ☐ have been transmitted by the International Bureau.
 - c) ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d) ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 13. to 20. below concern other document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ Certificate of Mailing by Express Mail.
20. ☒ Other items or information
 - a) ☐ Copy of Notification of Missing Requirements.
 - b) ☒ Itemized receipt page
 - c) ☒ Serial number post card.
 - d) ☒ This application is a continuation-in-part of International Application No. PCT/GB99/03666, filed on November 5, 1999, which claims the benefit of GB 9825033.5, filed on November 13, 1998
 - e) ☐ _____
 - f) ☐ _____
 - g) ☐ _____

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EXHIBIT

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U.S. Application No. Not Yet Known 09/831553		International Application No. PCT/GB99/03666		Attorney Docket No. 288748.0003	
21. The following fees are submitted:					Calculations <i>PTO USE ONLY</i>
Basic National Fee (37 CFR 1.492(a)(1)-(5)):					
<input type="checkbox"/> Neither international preliminary examination fee nor international search fee paid to USPTO; International Search Report not prepared by the EPO or JPO		\$ 1,000.00			
<input checked="" type="checkbox"/> International preliminary examination fee not paid to USPTO; International Search Report prepared by EPO OR JPO		\$ 860.00			
<input type="checkbox"/> International preliminary examination fee not paid to USPTO; international search fee paid to USPTO		\$ 710.00			
<input type="checkbox"/> International preliminary examination fee paid to USPTO; all claims did not satisfy provisions of PCT Article 33(1)-(4)		\$ 690.00			
<input type="checkbox"/> International preliminary examination fee paid to USPTO; all claims satisfied provisions of PCT Article 33(1)-(4)		\$ 100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date 37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$0.00	
Total Claims	21 - 20 =	1	x \$18.00	\$18.00	
Indep. Claims	2 - 3 =	0	x \$80.00	\$0.00	
Multiple Dependent Claims (if applicable)			\$270.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$878.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)				\$0.00	
SUBTOTAL =				\$878.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	
TOTAL NATIONAL FEE =				\$878.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).				\$0.00	
TOTAL FEES ENCLOSED =				\$878.00	
<input checked="" type="checkbox"/> A check in the amount of \$ 878.00 to cover the above fees is enclosed. <input type="checkbox"/> Please charge Deposit Account No. 50-1656 in the amount of \$ 0.00 to cover the above fees. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1656. A duplicate copy of this sheet is enclosed					
SEND ALL CORRESPONDENCE TO:			John W. Ryan, dated May 11, 2001 John W. Ryan, Reg. No. 33,771 202-663-6446 202-663-6363 (facsimile)		
John W. Ryan WILMER, CUTLER & PICKERING 2445 M Street, N.W. Washington, DC 20037-1420					



UNITED STATES PATENT

TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/831553	PIENE	288748.0003

JOHN W RYAN
WILMER CUTLER & PICKERING
2445 M STREET N W
WASHINGTON, DC 20037 1420INTERNATIONAL APPLICATION NO.
PCT/GB99/03666

I.A. FILING DATE	PRIORITY DATE
05 NOV 99	13 NOV 98

DATE MAILED:

05 JUL 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- | |
|---|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input checked="" type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☒ PCT/DO/EO/917
☐ PTO-875☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Paulette Kidwell, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3656

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EXHIBIT

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